



STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

March 9, 2011

The Honorable Kirk Adams  
Speaker of the House  
Arizona House of Representatives  
1700 W. Washington Street  
Phoenix, Arizona 85007

RE: House Bill 2153, municipalities; counties; fire sprinklers; code

Dear Speaker Adams:

Today, I signed House Bill 2153, municipalities; counties; fire sprinklers; code. This bill is in response to a code mandate prepared by a national non-governmental entity requiring the installation of fire sprinklers in new home construction.

My opposition to new regulatory mandates is well known. This mandate puts obstacles in the way of the home construction industry's efforts to recover from a very deep recession. Other states have addressed this issue through legislation that protects consumer choice or removes the fire sprinkler mandate from their state code. The choice as to whether or not to install a fire sprinkler system in a newly constructed home belongs in the hands of the homebuyer.

HB 2153 does not interfere with codes adopted prior to 2010. Furthermore, the bill does not prevent a local jurisdiction from developing agreements with builders to offer sprinklers as a purchase option to consumers.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer".

Janice K. Brewer  
Governor

Cc: The Honorable Russell Pearce  
The Honorable Steve Montenegro

State of Arizona  
House of Representatives  
Fiftieth Legislature  
First Regular Session  
2011

House Engrossed  
**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

CHAPTER 7

## **HOUSE BILL 2153**

AN ACT

AMENDING TITLE 9, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-807; AMENDING SECTION 11-861, ARIZONA REVISED STATUTES; RELATING TO MUNICIPAL AND COUNTY CODES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 7, article 1, Arizona Revised Statutes, is  
3 amended by adding section 9-807, to read:

4 9-807. Mandated fire sprinklers in certain residences  
5 prohibited; exception

6 A MUNICIPALITY SHALL NOT ADOPT A CODE OR ORDINANCE OR PART OF A UNIFORM  
7 CODE OR ORDINANCE THAT PROHIBITS A PERSON OR ENTITY FROM CHOOSING TO INSTALL  
8 OR EQUIP OR NOT INSTALL OR EQUIP FIRE SPRINKLERS IN A SINGLE FAMILY DETACHED  
9 RESIDENCE OR ANY RESIDENTIAL BUILDING THAT CONTAINS NOT MORE THAN TWO  
10 DWELLING UNITS. A MUNICIPALITY SHALL NOT IMPOSE ANY FINE, PENALTY OR OTHER  
11 REQUIREMENT ON ANY PERSON OR ENTITY FOR CHOOSING TO INSTALL OR EQUIP OR NOT  
12 INSTALL OR EQUIP FIRE SPRINKLERS IN SUCH A RESIDENCE. THIS SECTION DOES NOT  
13 APPLY TO ANY CODE OR ORDINANCE THAT REQUIRES FIRE SPRINKLERS IN A RESIDENCE  
14 AND THAT WAS ADOPTED BEFORE DECEMBER 31, 2009.

15 Sec. 2. Section 11-861, Arizona Revised Statutes, is amended to read:

16 11-861. Adoption of codes by reference; limitations; method of  
17 adoption

18 A. In any county ~~which~~ THAT has adopted zoning pursuant to this  
19 chapter, the board of supervisors may adopt and enforce, for the  
20 unincorporated areas of the county so zoned, a building code and other  
21 related codes to regulate the quality, type of material and workmanship of  
22 all aspects of construction of buildings or structures, except that the board  
23 may authorize that areas zoned rural or unclassified may be exempt from the  
24 provisions of the code adopted. Such codes may be adopted by reference after  
25 notice and hearings before the county planning and zoning commission and  
26 board of supervisors as provided in this chapter for amendments to the zoning  
27 ordinance of the county.

28 B. The board of supervisors may adopt a fire prevention code in the  
29 unincorporated areas of the county in which a fire district has not adopted  
30 ~~the uniform~~ A NATIONALLY RECOGNIZED fire code pursuant to section 48-805.  
31 Any fire code adopted by a board of supervisors pursuant to this subsection  
32 shall remain in effect until a fire district is established and adopts a code  
33 applicable within the boundaries of the district.

34 C. For the purpose of this article, codes authorized by subsections A  
35 and B of this section shall be limited to the following:

36 1. Any building, electrical, plumbing, ~~or~~ mechanical code that has  
37 been adopted by any national organization or association that is organized  
38 and conducted for the purpose of developing codes or that has been adopted by  
39 the largest city in that county. If the board of supervisors adopts a city  
40 code, it shall adopt, within ninety days after receiving a written  
41 notification of a change to the city code, the same change or shall terminate  
42 the adopted city code.

43 2. Any fire prevention code that has been adopted by a national  
44 organization or association organized or conducted for the purpose of

1 developing fire prevention codes and that is as stringent as the state fire  
2 code adopted pursuant to section 41-2146.

3 D. The board of supervisors may adopt a current wildland-urban  
4 interface code. The code may be adapted from a model code adopted by a  
5 national or international organization or association for mitigating the  
6 hazard to life and property. The board must follow written public procedures  
7 in the development and adoption of the code and any revisions to the code to  
8 provide effective, early and continuous public participation through:

9 1. The broad dissemination and publicity of the proposed code and any  
10 revisions to the code.

11 2. The opportunity for submission and consideration of written public  
12 comments.

13 3. Open discussions, communications programs and information services.

14 4. Consultation with federal agencies and state and local officials.

15 E. THE BOARD OF SUPERVISORS OF A COUNTY SHALL NOT ADOPT A CODE OR  
16 ORDINANCE OR PART OF A UNIFORM CODE OR ORDINANCE THAT PROHIBITS A PERSON OR  
17 ENTITY FROM CHOOSING TO INSTALL OR EQUIP OR NOT INSTALL OR EQUIP FIRE  
18 SPRINKLERS IN A SINGLE FAMILY DETACHED RESIDENCE OR ANY RESIDENTIAL BUILDING  
19 THAT CONTAINS NOT MORE THAN TWO DWELLING UNITS. THE BOARD OF SUPERVISORS OF  
20 A COUNTY SHALL NOT IMPOSE ANY FINE, PENALTY OR OTHER REQUIREMENT ON ANY  
21 PERSON OR ENTITY FOR CHOOSING TO INSTALL OR EQUIP OR NOT INSTALL OR EQUIP  
22 FIRE SPRINKLERS IN SUCH A RESIDENCE. THIS SUBSECTION DOES NOT APPLY TO ANY  
23 CODE OR ORDINANCE THAT REQUIRES FIRE SPRINKLERS IN A RESIDENCE AND THAT WAS  
24 ADOPTED BEFORE DECEMBER 31, 2009.

APPROVED BY THE GOVERNOR MARCH 9, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 9, 2011.